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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/819,701	03/29/2001	Naoya Fujisaki	826.1722	3142
21171	7590	08/11/2005	EXAMINER	
STAAS & HALSEY LLP SUITE 700 1201 NEW YORK AVENUE, N.W. WASHINGTON, DC 20005			LEROUX, ETIENNE PIERRE	
			ART UNIT	PAPER NUMBER
			2161	

DATE MAILED: 08/11/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

# Office Action Summary

Application No.

09/819,701

Applicant(s)

FUJISAKI, NAOYA

Examiner

Etienne P LeRoux

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

## Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

## Status

- 1) ☒ Responsive to communication(s) filed on 25 May 2005.
- 2a) ☐ This action is FINAL. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

## Disposition of Claims

- 4) ☒ Claim(s) 1-18 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-18 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

## Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 27 November 2000 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on \_\_\_\_\_ is: a) ☐ approved b) ☐ disapproved by the Examiner.
- If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

## Priority under 35 U.S.C. §§ 119 and 120

- 13) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some \* c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).
- a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

## Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892) 4) ☐ Interview Summary (PTO-413) Paper No(s). \_\_\_\_\_
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948) 5) ☐ Notice of Informal Patent Application (PTO-152)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449) Paper No(s) \_\_\_\_\_ 6) ☐ Other:

### *Continued Examination*

A request for continued examination under 37 CFR 1.114, including the fee set forth in 37 CFR 1.17(e), was filed in this application after final rejection. Since this application is eligible for continued examination under 37 CFR 1.114, and the fee set forth in 37 CFR 1.17(e) has been timely paid, the finality of the previous Office action has been withdrawn pursuant to 37 CFR 1.114. Applicant's submission filed on 5/25/2005 has been entered.

### *Claim Status*

Claims 1-18 are pending. Claims 1-18 are rejected as detailed below.

### *Claim Rejections - 35 USC § 102*

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

1. Claims 1-8, 15, 16 and 18 are rejected under 35 U.S.C. 102(e) as being anticipated by US Pat No 5,437,029 issued to Sinha (hereafter Sinha).

Claims 1, 15, 16 and 18:

Sinha discloses:

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a setting unit setting policy attribute data specifying file usage, determined by an administrative user in correspondence with path information of a directory [Fig 1, col 1, line 53-col 2, line 10]

a file managing unit managing a file based on policy data composed of the path information of the directory and the policy attribute data [col 8, lines 25-40]

Claim 2:

Sinha discloses:

a setting unit setting policy attribute data specifying file usage, determined by an administrative user, in accordance with path information of a directory [Abstract]

an assigning unit assigning policy attribute data of a directory so as to be inherited to a subdirectory, or assigning specified policy attribute data indicating a policy on which file management is based to the subdirectory [Abstract]

Claim 3:

Sinha discloses wherein information indicating whether or not to require a path search is registered in correspondence with the policy attribute data [col 9, lines 16-25]

Claim 4:

Sinha discloses a control table storing information indicating a directory to be searched next, wherein pointer information pointing to a storage location within said control table is registered as policy attribute data of a directory [tot\_directories, col 12, lines 3-25]

Claims 5 and 6:

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Sinha discloses wherein checkpoint information indicating path information of a directory yet to be generated is registered to said control table for the directory [SPNT cache, Fig 4, col 7, lines 40-65]

Claims 9 and 10:

Sinha discloses a policy violation registering unit registering policy violation information indicating a policy attribute violation to corresponding policy attribute data, if a file operation which violates the policy attribute data is performed [col 10, lines 40-65].

*Claim Rejections - 35 USC § 103*

2. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 7, 8 and 17 are rejected under 35 U.S.C. 103(a) as being unpatentable over Sinha

Claim 7:

Sinha discloses the elements of claims 1 and 2 as noted above but fails to disclose wherein when a name of a directory is changed, policy attribute data of a parent directory is inherited to a subdirectory if policy attribute data is not specified for the subdirectory, and specified policy attribute data is assigned to a subdirectory if the policy attribute data is specified for the subdirectory. Sinha discloses as admitted prior art a root directory and a subdirectory which may be a child or grandchild of the root directory [col 1, lines 35-45]. It would have been obvious to one of ordinary skill in the art at the time the invention was made to modify Sinha to

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include wherein when a name of a directory is changed, policy attribute data of a parent directory is inherited to a subdirectory if policy attribute data is not specified for the subdirectory, and specified policy attribute data is assigned to a subdirectory if the policy attribute data is specified for the subdirectory based upon Sinha's admitted prior art for the purpose of quickly locating a file by successively searching a path from a root directory to subdirectories.

Claim 8:

Sinha discloses the elements of claims 1 and 2 as noted above but is silent regarding whether or not to require inheritance is predefined for the policy attribute data and policy attribute data of a parent directory is assigned so as to be inherited to a subdirectory if the policy attribute data of the parent directory is data which is requested to be inherited, or specified policy attribute data is assigned to the subdirectory if the policy attribute data of the parent directory is data which is not requested to be inherited. Sinha discloses as admitted prior art a root directory and a subdirectory which may be a child or grandchild of the root directory [col 1, lines 35-45]. It would have been obvious to one of ordinary skill in the art at the time the invention was made to modify Sinha to include whether or not to require inheritance is predefined for the policy attribute data and policy attribute data of a parent directory is assigned so as to be inherited to a subdirectory if the policy attribute data of the parent directory is data which is requested to be inherited, or specified policy attribute data is assigned to the subdirectory if the policy attribute data of the parent directory is data which is not requested to be inherited based upon Sinha's admitted prior art for the purpose of creating a policy that enables files to be quickly accessed considering that files could be distributed throughout a network [col 1, lines 26-35].

Claim 17:

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Sinha discloses setting policy attribute data indicating a policy on which file management is based, in correspondence with path information of a directory and file usage specified by an administrative user [Fig 1, col 1, line 53- col 2, line 10], and assigning at least one of policy attribute data for files in the directory to be inherited to a subdirectory [col 1, lines 26-35].

Claim 11 is rejected under 35 U.S.C. 103(a) as being unpatentable over Sinha in view of US Pat No 5,832,527 to Kawaguchi (hereafter Kawaguchi).

Claim 11:

Sinha discloses the elements of claim 1 as noted above but fails to disclose wherein information of a total file size of files within a directory is registered as policy attribute data of the directory. Kawaguchi discloses wherein information of a total file size of files within a directory is registered as policy attribute data of the directory [Fig 10, col 10, lines 10-15]. It would have been obvious to one of ordinary skill in the art at the time the invention was made to modify Sinha to include wherein information of a total file size of files within a directory is registered as policy attribute data of the directory as taught by Kawaguchi for the purpose of setting up an efficient memory management system.

Claim 12 is rejected under 35 U.S.C. 103(a) as being unpatentable over Sinha in view of US Pat No 6,185,574 issued to Howard et al (hereafter Howard).

Claim 12:

French discloses the elements of claim 1 as noted above but fails to disclose wherein when a file is stored in an archive file, policy data composed of path information of a directory

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and policy attribute data is stored in the archive file. Howard discloses wherein when a file is stored in an archive file, policy data composed of path information of a directory and policy attribute data is stored in the archive file [Howard, abstract]. It would have been obvious to one of ordinary skill in the art at the time the invention was made to modify French to include wherein when a file is stored in an archive file, policy data composed of path information of a directory and policy attribute data is stored in the archive file as taught by Howard for the purpose of assigning less frequently used data to mass storage which is more economical and also is more secure.

Claims 13 and 14 are rejected under 35 U.S.C. 103(a) as being unpatentable over the combination of Sinha and Howard and further in view of US Pat No 6,195,695 issued to Cheston et al (hereafter Cheston).

Claim 13:

The combination of Sinha and Howard discloses the elements of claims 1 and 12 as noted above but fails to disclose a registering unit reading and registering the policy data stored as a hidden file in the archive file, when the file is backed up. Cheston discloses further comprising a registering unit reading and registering the policy data stored as a hidden file in the archive file, when the file is backed up [col 2, lines 43-54]. It would have been obvious to one of ordinary skill in the art at the time the invention was made to modify the above combination of references to include further comprising a registering unit reading and registering the policy data stored as a hidden file in the archive file, when the file is backed up as taught by Cheston for the purpose of dividing the files into active and not available for current use [Cheston, col 3, lines 50-55].



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Claim 14:

The combination of Sinha and Howard discloses the elements of claims 1, 12 and 13 as noted above but is silent regarding wherein when a file is restored, comparison is made between path information of a directory to be generated and path information of a directory within the policy data stored as the hidden file in the archive file, and the policy attribute data is set for the directory the path information of which matches. Cheston discloses restoring from a corrupted executable application and/or operating system (and a resulting crash) [col 2, lines 15-61]. It would have been obvious to one of ordinary skill in the art at the time the invention was made to further modify the above combination of references to include wherein when a file is restored, comparison is made between path information of a directory to be generated and path information of a directory within the policy data stored as the hidden file in the archive file, and the policy attribute data is set for the directory the path information of which matches as taught by Cheston for the purpose of restoring a file that becomes corrupted during a system crash.

Claim 17 is rejected under 35 U.S.C. 103(a) as being unpatentable over Kawaguchi in view of Howland.

Claim 17:

Kawaguchi discloses setting policy attribute data indicating a policy on which file management is based, in correspondence with path information of a directory [col 4, lines 9-43] but fails to disclose assigning at least one of policy attribute data for files in the directory to be inherited to a subdirectory, and assigning specified policy attribute data for files in the subdirectory to a corresponding subdirectory when moving the directory. Howland discloses

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assigning at least one of policy attribute data for files in the directory to be inherited to a subdirectory, and assigning specified policy attribute data for files in the subdirectory to a corresponding subdirectory when moving the directory [col 3, lines 8-12]. It would have been obvious to one of ordinary skill in the art at the time the invention was made to modify Kawaguchi to include assigning at least one of policy attribute data for files in the directory to be inherited to a subdirectory, and assigning specified policy attribute data for files in the subdirectory to a corresponding subdirectory when moving the directory as taught by Howland.

The ordinarily skilled artisan would have been motivated to modify Kawaguchi per the above for the purpose of reducing the number of levels in the tree structure to in to expedite searching.

### *Response to Arguments*

3. Applicant's arguments filed 5/25/2005, have been fully considered but are moot based above new grounds of rejection.

### *Contact Information*

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Etienne P. LeRoux whose telephone number is (571) 272-4022. The examiner can normally be reached Monday through Friday between 8:00am and 4:30pm.

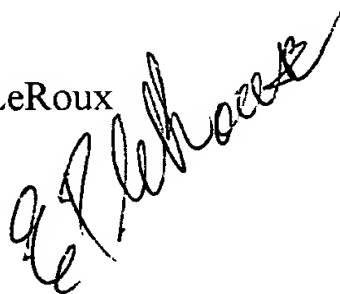
If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Safet Metjahic can be reached on (571) 272-4023. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Etienne LeRoux

8/8/2005

A handwritten signature in black ink, appearing to read 'Etienne LeRoux', written over the printed name and date.